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**HOME CARE WORKERS STILL ENTITLED TO OVERTIME PAY  
UNDER MASSACHUSETTS LAW**

**BOSTON**---June 27, 2007 — In the wake of a federal ruling, Massachusetts Secretary of Labor and Workforce Development Suzanne M. Bump reminds the public that under state law, home care workers and those who serve as “companions” still remain entitled to overtime pay for all hours worked beyond 40 in a given week

The reminder comes after a decision earlier this month on the U.S. Supreme Court of the Long Island Care At Home, Ltd. v. Evelyn Coke case, which affirmed a U.S. Department of Labor interpretation of its own regulation that all workers who provide home “companionship services”, including those whose services are retained through “third parties” such as employment agencies, are exempt from overtime payment under federal law. Overtime payment is defined as one and one-half times regular rate of pay for every hour worked beyond 40 hours in a given week, under the provisions of the Federal Fair Labor Standards Act (FLSA), 29 U.S.C. §213(a)(15).

Under the state Minimum Fair Wage Law, M.G.L., C. 151, home “companions” (caregivers of the elderly or infirm) are not exempt from the overtime provisions of state law (G.L. c. 151, §1A). As a result, they are entitled to overtime pay for all hours worked beyond 40 in a given week. In addition, caregivers and/or “companions” must be paid at least the state minimum wage for every hour worked, currently \$7.50 per hour.

“Given that we have an aging population increasingly in need of these services, this ruling is significant,” said Bump. “At the same time, our job is to make sure that under the state law, people who perform these critical services are paid fairly and justly.”

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Bump added that the Division of Occupational Safety (DOS), which falls under the Massachusetts Department of Labor, is responsible for administering the minimum wage law. Those with questions about entitlement to overtime pay should call DOS at (617) 626-6952.

Violations of the overtime and minimum wage provisions of the Minimum Fair Wage Law are subject to enforcement actions brought by the Attorney General. Complaints regarding violations of the overtime law should be filed with the Fair Labor and Business Practices Division of the Office of the Attorney General at 617-727-3465.

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